

COMMENTS

Applicant appreciates the examiner's thorough examination and clear discussion, and the examiner's enlightening responses to previously made arguments. All of the claims of the application have now been amended and are believed to be allowable over the cited art in view of the following comments.

In this amendment, independent claims 1, 16, 26, and 32 (and thus all of their dependent claims) have been amended. Claim 27 has been cancelled and new dependent claims 40 through 42 have been added. Thus, claims 1-10, 12-26, and 28-42 remain pending. A Request for Continued Examination is filed concurrently herewith.

Applicant acknowledges the allowance of claims 10 and 12-15.

Claims 3, 4, and 7-9 were objected to as being dependent upon a rejected base claim, with an indication that they would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Claim 1, from which these claims depend, has been amended and is now believed to be allowable. Accordingly, this objection is obviated and withdrawal is requested.

Claims 1 and 2 were finally rejected under 35 USC 103(a) as being unpatentable over *Smith* in view of *Bergen*. These claims have now been amended and are believed to be patentable over the suggested combination for at least the following reasons.

Smith discloses an adjustable ridge vent having accordion-shaped pleated end plugs for covering an opening at the peak of a roof. The ridge vent has a top panel having opposed lateral edges and having opposed ends, and has a flexible midsection parallel to the opposed lateral edges. A plurality of semicircular supports extending downwardly from the underside of the top panel suspends the top panel above the roof. Lateral sidewall portions, which downwardly depend from the lateral edges of the vent, have louvered ventilation openings for allowing air to escape out of the opening at the roof's peak and pass from under the vent. Gutters with outwardly upturned lips and with drain openings are adjacent the ventilation openings. The end walls of the vent each have a flexible accordion-pleated mid-portion end plug formed therein, and the ratio of the total pleat length to the pleated mid-portion length is preferably about 1.5.

Bergen discloses a combination shingle and attaching means therefor with the attachment means (nails) being removably confined on the shingle. Among the objects of the *Bergen* combination are to confine a fastening element upon a shingle in such a manner that the element may be readily removed from its confinement for the shingle attaching operation and to attach a nail or nails to a shingle in a manner so that the said nail or nails will be confined at a point beyond one edge of the shingle to facilitate the removal of the nail or nails, and to facilitate the shipment of the shingles so equipped. To accomplish these objectives, *Bergen* discloses that each of the fastening elements 11 (see the figures of *Bergen*), which preferably are big headed nails, are held temporarily confined by the employment of a holder 12. Each holder 12 consists preferably of a single piece of thin tough fibrous material or paper, which is bent upon

itself to provide a plurality of portions 13 and 14. The portion 13 has an aperture 15 therein for receiving the shank of a nail. In combining the fastening elements 11 with the shingle 10, *Bergen* discloses that each of the elements (nails) has the shank thereof extended through the aperture 15 in the portion 13 of its respective holder 12. The portions 13 and 14 of each holder are then brought together to capture the head of the nail after which a small tack 16 is driven through the ends of the portions 13 and 14 into the shingle 10 to attach the holder and its nail removably to the shingle. The nails are arranged along the upper thin edge of the shingle at a point beyond the shingle edge and each is aligned with a mark on the shingle where the nail is to be driven to attach the shingle to a roof.

It is critical in the disclosure of *Bergen* that the nails be confined at a point beyond the edge of the shingle to which they are attached to facilitate stacking and shipment of the shingles. If the nails were located between the edges of the shingle, they not only would interfere with the stacking of shingles into a bundle, but the compression of the nails between shingles would puncture and destroy the singles rendering them unusable. *Bergen* thus discloses that the confinement of the nails beyond the edge in no way affects the shipping of the shingles, and the shingles may be bundled as desired (line 83) as a consequence of confining the nails beyond the edge of the shingle.

In contrast to the teachings of *Smith* and *Bergen*, independent claims 1, as now amended, recites a ridge ventilation system comprising a plurality of ridge vent sections each having ends and longitudinal edges and being configured to be arranged end-to-end covering an open ridge of a roof. Each of the ridge vent sections has a laterally

flexible central panel flanked by ventilation grids that extend along and inboard of the longitudinal edges of the ridge vent. A plurality of fasteners, which may comprise nails, is located between the longitudinal edges of at least some of the ridge vent sections (rather than merely being removably secured there) and are removably secured to the ridge vent sections. The fasteners are positioned to be removed by an installer of the ridge ventilation system for use in fastening said ridge vent sections to a roof.

It will thus be seen that independent claim 1 recites and requires that the fasteners be located between the longitudinal edges of their ridge vent sections. In the preferred and illustrated embodiment, they are located in the ventilation region of the ridge vent section slightly inboard of its longitudinal edges. They may, however, be located elsewhere prior to arrangement of the ridge vent sections on a roof so long as the fasteners themselves are disposed between the opposed longitudinal edges of the ridge vent section.

The proposed combination of *Smith* and *Bergen* does not establish a prima fascia case of obviousness with respect to amended claim 1 because, among other things, such a combination fails to include all of the elements recited in the claim. More specifically, combining *Bergen* with *Smith* would result in a ridge vent section with nails confined or located at a point beyond one edge of the ridge vent section and not between the longitudinal edges as claimed. Further, the nails necessarily would be secured with an ancillary holder, since there is no structure taught by *Smith* that resides beyond the edges of the ridge vent section for holding a nail. Finally, it cannot be argued to be obvious to modify the proposed *Smith* and *Bergen* combination to move the nails to a location between the edges of their ridge vent sections as claimed.

Bergen teaches that disposition of the nails beyond one edge of the shingle is essential to achieve the object of allowing the shingles to be stacked, bundled, and shipped without interference from the nails. *Bergen* thus teaches away from locating the nails between the longitudinal edges as claimed. Further, making such a modification to the proposed combination would not be an obvious thing to do because the nails would puncture and destroy the shingles of *Bergen* when they were stacked and bundled for shipment.

For at least the forgoing reasons, independent claim 1, and thus dependent claim 2, define over the proposed combination of *Smith* and *Bergen* and are thus unobvious and allowable over such a combination.

Claims 16-19 and 21-39 were finally rejected under 35 USC 103(a) as being unpatentable over *Smith* in view of *Parker*. Claim 27 is now cancelled. The remaining claims have been amended either directly or through amendments of their independent claims and are believed to be patentably over the suggested combination for at least the following reasons.

The teachings of *Smith* are summarized above. *Parker* discloses a nail holder that is attached to a shingle and holds a nail. The holder includes a swingable member that swings down under the weight of the nail so that the nail is flat against the shingle when the shingle is oriented horizontally. However, when the shingle is tilted at an angle to be installed on a roof, the weight of the nail causes the swingable member to swing up and thus move the nail to an orientation normal to the surface of the shingle.

The nail can then be driven by a workman with a hammer without having to hold the nail. Thus, the nail swings up in response to a tilting of the shingle so that a worker does not have to hold the shingle, nail, and hammer at the same time.

In stark contrast to *Smith* and *Parker*, independent claim 16, as now amended, recites and requires that each of the claimed ridge vent sections has integrally formed features located between the opposed longitudinal edges, with the features being configured to receive and hold respective fasteners in a fixed orientation. Similarly, independent claim 26, as now amended, recites and requires that at least some of the claimed ridge vent sections are formed to define features located between the longitudinal edges of the ridge vent sections, with the features being configured to receive and hold respective fasteners in a fixed orientation with respect to the ridge vent sections. Independent claim 32, as now amended, recites a ridge vent section that includes a plurality of features integrally formed in the ridge vent section between the opposed longitudinal edges thereof. The features are configured to hold respective fasteners in a fixed orientation relative to the ridge vent sections.

The proposed combination of *Smith* and *Parker* cannot establish a prima facie case of obviousness of the above independent claims for at least the reason that the combination fails to include all of the elements of the claims. With respect to claim 16, for example, the proposed combination does not teach the claimed integrally formed features, nor does it teach that these integrally formed features are configured to receive and hold respective fasteners in a fixed orientation. Further, it cannot be said to be obvious or simply a matter of design choice to modify the proposed combination so that the fasteners are held in a fixed orientation as claimed, because to do so would

destroy the prime functionality and object of *Parker*, to attach the nails so that they flip readily from one orientation to another when a shingle is tilted toward vertical. This is the antithesis of being held in a fixed orientation as recited in claim 16.

Regarding claim 26, the proposed combination fails to include the ridge vent sections being formed to define features configured to receive and hold fasteners. *Parker* teaches instead that the paper device that holds the nail is separate from the shingle and attached with a staple. Further, as discussed above, the suggested combination does not teach a feature that holds fasteners in a fixed orientation with respect to a ridge vent section, and to suggest a modification would destroy the function of the *Parker* device.

Similarly, a prima facie case of obvious cannot be established with regard to claim 32 because the proposed combination fails to teach or fairly suggest, inter alia, features integrally formed in the ridge vent section and configured to hold fasteners in fixed orientations as required by claim 32.

Accordingly, independent claims 16, 26, and 32, as amended, are patentable over the suggested combination of *Smith* and *Parker* and thus allowable. All of their pending dependent claims (claims 17-25, 28-31, and 33-39) are allowable for at least the same reasons that their independent claims are allowable, and for their own additional reasons. New claims 40-42 each depends from one of the above independent claims, and therefore also are allowable.

CONCLUSION

In summary, claim 27 has been cancelled and new dependent claims 40-42 have been added. Pending claims 1-10, 12-26, and 28-42 recite a ridge ventilation system of unique structure and attributes not taught or fairly suggested by the art of record. Accordingly, these claims are believed to be in condition for allowance and an early notice to such effect is earnestly solicited.

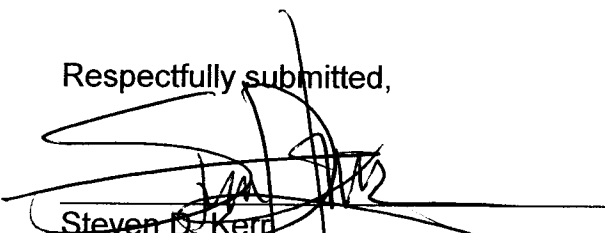
The examiner is requested to contact the undersigned counsel if allowance of the claims can be facilitated by examiner's amendment, telephone interview, or otherwise.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Order Account No. 09-0528.

Date

9 July 2010

Respectfully submitted,


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